

**CERTIFICATION OF BIDDER REGARDING  
EQUAL EMPLOYMENT OPPORTUNITY**

**GENERAL**

In accordance with Executive Order 11246 (30 F.R. 12319-25), the implementing rules and regulations thereof, and orders of the Secretary of Labor, a Certification regarding Equal Opportunity is required of bidders or prospective contractors and their proposed subcontractors prior to the award of contracts or subcontracts.

**CERTIFICATION OF BIDDER**

Bidder's Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

1. Participation in a previously Federally assisted contract or subcontract.
  - a. The Bidder (Proposer) shall complete the following statement by checking the appropriate boxes.
    - (1) The Bidder (Proposer) has ( ) has not ( ) participated in a previous contract subject to the equal opportunity clause prescribed by Executive Order 10925, or Executive Order 11114, or Executive Order 11246, as amended.
    - (2) The Bidder (Proposer) has ( ) has not ( ) submitted all compliance reports in connection with any such contract due under the applicable filing requirements; and that representations indicating submission of required compliance reports signed by proposed subcontractors will be obtained to award of subcontractors.
  - b. If the Bidder (Proposer) has participated in a previous contract subject to the equal opportunity clause and has not submitted compliance reports due under applicable filing requirements, the Bidder (Proposer) shall submit a compliance report on Standard Form 100, "Employee Information Report EEO-1" prior to the award of contract.
  - c. When a determination has been made to award the contract to a specific contractor, such contractor may be required, prior to award, or after the award, or both, to furnish such other pertinent information regarding its own employment practice and policies as well as of its proposed subcontractors as the FAA, the Sponsor, or the Director of OFCC may require. (41 CFR Chapter 60; FAR 152.6(c).)

## CERTIFICATION OF NONSEGREGATED FACILITIES

The federally assisted construction contractor certifies that he does not maintain or provide, for his employees, any segregated facilities at any of his establishments and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The federally assisted construction contractor certifies that he will not maintain or provide, for his employees, segregated facilities at any of his establishments and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The federally assisted construction contractor agrees that a breach of this certification is a violation of the equal opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work area, restrooms and washrooms, restaurants and other eating areas, timeclocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directives or are in fact segregated on the basis of race, color, religion, or national origin because of habit, local custom, or any other reason. The federally assisted construction contractor agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the equal opportunity clause and that he will retain such certifications in his files.

### REMARKS:

Certification - The information above is true and complete to the best of my knowledge and belief.

Name and Title of Signer

(Please Type)

☐ Contractor

☐ Subcontractor

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Note: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

Airport Name: Duluth International Airport

Location: Duluth, MN

Sponsor: Duluth Airport Authority

EDA Number: 06-01-05315

## **AFFIDAVIT AND INFORMATION REQUIRED OF BIDDERS**

Affidavit of Non-Collusion:

I hereby swear (or affirm) under penalty of perjury:

1. That I am the bidder (if the bidder is an individual), a partner in the bidder (if the bidder is a partnership), or an officer or employee of the bidding corporation having authority to sign on its behalf (if the bidder is a corporation);
2. That the attached bid or bids have been arrived at by the bidder independently and have been submitted without collusion with and without agreement, understanding, or planned common course of action with any other vendor or materials, supplied, equipment or services described in the invitation to bid, designed to limit independent bidding or competition;
3. That the contents of the bid or bids have not been communicated by the bidder or its employees or agents to any person not an employee or agent of the bidder or its surety on any bond furnished with the bid or bids and will not be communicated to any such person prior to the official opening of the bid or bids; and
4. That I have fully informed myself regarding the accuracy of the statements made in this affidavit.

Signed:\_\_\_\_\_

Firm Name:\_\_\_\_\_

Subscribed and sworn to me before this\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

NOTARY PUBLIC\_\_\_\_\_

My commission expires:\_\_\_\_\_

Bidder's E.I. Number\_\_\_\_\_

(Number used on employer's quarterly Federal Tax return)

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### **CERTIFICATION FOR CONTRACTS, GRANTS, LOANS AND COOPERATIVE AGREEMENTS**

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal Contract, grant, loan or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee or any agency, a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobby Activities," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Contractor \_\_\_\_\_ Dated \_\_\_\_\_

Signed \_\_\_\_\_

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**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY, AND  
VOLUNTARY EXCLUSION - 49 CFR PART 29  
(VERSION 1, 1/5/90)**

The bidder/offerer certifies, by submission of this proposal or acceptance of this contract, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. It further agrees by submitting this proposal that it will include this clause without modification in all lower tier transactions, solicitations, proposals, contracts, and subcontracts. Where the bidder/offerer/contractor or any lower tier participant is unable to certify to this statement, it shall attach an explanation to this solicitation/proposal.

Contractor \_\_\_\_\_ Dated \_\_\_\_\_

Signed \_\_\_\_\_

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### **RESTRICTIONS ON FEDERAL PUBLIC WORKS PROJECTS CERTIFICATION**

The undersigned CONTRACTOR or SUBCONTRACTOR, hereby certifies that it:

- a. Is not owned or controlled by one or more citizens or nationals of a foreign country included in the list of countries that discriminate against U.S. firms published by the Office of the United States Trade Representative (USTR):
- b. has not knowingly entered into any contract or subcontract for this project with a CONTRACTOR that is a citizen or national of a foreign country on said list, or is owned or controlled directly or indirectly by one or more citizens or nationals of a foreign country on said list.
- c. has not procured any product nor subcontracted for the supply of any product for use on the project that is produced in a foreign country on said list.

Unless the restrictions of this clause are waived by the Secretary of Transportation in accordance with 49 CFR 30.17 no contract shall be awarded to a CONTRACTOR or SUBCONTRACTOR who is unable to certify to the above. If the CONTRACTOR knowingly procures or subcontracts for the supply of any product or service of a foreign country on the said list for use on the project, the Federal Aviation Administration may direct, through the sponsor, cancellation of the contract at no cost to the Government.

Further, the CONTRACTOR agrees that, if awarded a contract resulting from this solicitation, it will incorporate this provision for certification without modification in each contract and in all lower tier subcontracts. The CONTRACTOR may rely upon the certification of a prospective SUBCONTRACTOR unless it has knowledge that the certification is erroneous.

The CONTRACTOR shall provide immediate written notice to the sponsor if the CONTRACTOR learns that its certification or that of a SUBCONTRACTOR was erroneous when submitted or has become erroneous by reason of changed circumstances. The SUBCONTRACTOR agrees to provide immediate written notice to the CONTRACTOR, if at any time it learns that its certification was erroneous by reason of changed circumstances.

This certification is a material representation of fact upon which reliance was placed when making the award. If it is later determined that the CONTRACTOR or SUBCONTRACTOR knowingly rendered an erroneous certification, the Federal Aviation Administration may direct, through the sponsor, cancellation of the contract or subcontract for default at no cost to the Government.

Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by this provision. The knowledge and information of a CONTRACTOR is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

This certification concerns a matter within the jurisdiction of an agency of the United States of America and the making of a false, fictitious, or fraudulent certification may render the maker subject to prosecution under Title 18, United States Code, Section 1001.

Contractor \_\_\_\_\_ Dated \_\_\_\_\_

Signed \_\_\_\_\_

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### **DBE ATTACHMENT**

Each bidder shall submit with the proposal a written assurance of its ability to meet the prescribed DBE goal of **3.5 %** in its bid or of its "good faith efforts" to meet that goal. Bids received that do not contain this assurance or have not given acceptable evidence of "good faith efforts" to meet the DBE goal may be considered nonresponsive and may be ineligible for award of the contract at the discretion of the DAA.

Exclusive agreements between DBEs and Bidder/Proposers are forbidden. Bidders will submit, in writing, the names of the DBEs included in the bid, a description of the work the DBEs will perform and the dollar value of each DBE subcontract.

<u>DBE Firm</u>	<u>Description of Work</u>	<u>Dollar Value</u>
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